

Application Serial No. 10/564,463  
Reply to Office Action dated April 10, 2009  
Amendment dated June 9, 2009

**REMARKS**

This Amendment responds to the Final Office Action mailed April 10, 2009. Claims 8-28 remain pending in the Application and claims 8-18, 27, and 28 stand rejected. Claims 19-26 are allowed.

Applicant thanks the Examiner, Stephen M. Hepperle, for the courtesies extended to Applicant's representative, David W. Dorton, during the personal interview conducted April 30, 2009. During the interview, the rejections of claims based on U.S. Patent No. 5,234,026 to Patterson and U.S. Patent No. 3,643,683 to Semon were discussed. Applicant's representative proposed various amendments to the claims, discussed more fully below. The Examiner indicated that amending independent claims 8, 27, and 28 to state that the piston rod is axially movable relative to the valve would likely overcome the rejections based on Patterson '026 alone. Claims 8, 27, and 28 have been amended herein, in accordance with the interview, and further to define over the references of record. Accordingly, Applicant respectfully requests reconsideration in view of the amendments and the following remarks.

**Claims Rejected under 35 U.S.C. §102**

Claims 27 and 28 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,234,026 to Patterson. Claims 27 and 28 have been amended herein to recite that the piston rod is axially movable relative to the valve or the first piston, as discussed during the personal interview. Applicant asserts that amended claims 27 and 28 are not disclosed by Patterson '026. Rather, the valve stem of

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Patterson '026 is received in a slot so that the valve stem can swivel a limited amount relative to the insert, but does not move axially relative to the insert 47. (See, e.g., Patterson '026 at col. 4, lines 56-63.) Moreover, modifying the valve stem of Patterson '026 to move axially as recited in claims 27 and 28 would be contrary to the intended function of Patterson '026. Patterson '026 at col. 3, lines 43-50, states that:

[t]he slot 45 opens axially upwardly to a valve stem head slot 49 formed in the upper portion of the sensor insert and is generally U-shaped and transverse cross-sectioned to form an upwardly facing, generally U-shaped, transverse shoulder 50 for having the valve stem shoulder 44 seated thereon to block downward and upward movement of the valve stem independent of the sensor insert.

For at least these reasons, Applicant respectfully requests that the rejections of claims 27 and 28 over Patterson '026 be withdrawn.

### **Claims Rejected under 35 U.S.C. §103**

Claims 8-16 and 27-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,643,683 to Semon, alone or in view of Patterson '026. Alternatively, claims 8-16, 27, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Patterson '026 in view of Semon '683. Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Semon '683, alone or in further view of Patterson '026, and further in view of U.S. Patent No. 5,159,952 to Ono. Claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Semon '683, alone or in view of Patterson '026, and further in view of U.S. Patent No. 2,105,681 to Armstrong. Claims 17 and 18 are alternatively rejected under 35 U.S.C.

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§103(a) as being unpatentable over Patterson '026 in view of Semon '683, and further in view of Armstrong '681. Claim 8, 27, and 28 are the only independent claims of these rejected groups. Claims 8 and 28 are directed to apparatus for regulating the pressure of fluids applied to a dispenser. Claim 8 has been amended to recite:

a pneumatic actuator operatively coupled to said piston and being selectively movable from a first position wherein said piston rod engages said valve such that said valve is in said open position, to a second position wherein said piston rod is not engaged with said valve.

Claim 28 has been amended to recite language similar to claim 8. Claim 27 is directed to a method of regulating the pressure of fluids applied to a dispenser and has been amended to recite:

actuating a piston between a first position and a second position to move a valve within the first partial volume from a closed position to an open position, the valve having a sealing surface adapted to contact the valve seat when the valve is in the closed position, the piston having a piston rod extending through the channel and being axially movable relative to the valve, the piston rod adapted to engage the sealing surface in the second position such that actuating the piston from the first position to the second position moves the valve to the open position.

Applicant asserts that amended claims 8, 27, and 28 are in condition for allowance because the references of record fail to disclose or suggest each and every element recited in these claims. Specifically, Patterson '026, Semon '683, Ono '952, and Armstrong '681 are all directed to valves or pressure regulators wherein a biasing spring is moved by a threaded member to pre-load a piston that moves a valve between open and closed positions. Accordingly, the applied references of record fail to disclose

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a pneumatic actuator operatively coupled to a piston and being movable from a first position to a second position to place a valve in an open position, as set forth in claims 8 and 28, or actuating a piston between a first position and second position to move a valve from a closed position to an open position, as set forth in claim 27. For at least these reasons, Applicant respectfully requests that the rejections of claims 8, 27, and 28 under 35 U.S.C. §103 be withdrawn.

Claims 9-18 each depend from independent claim 8 and are in condition for allowance for at least the reasons discussed above with respect to claim 8. Accordingly, Applicant respectfully requests that the rejections of claims 9-18 also be withdrawn.

### **Conclusion**

In view of the personal interview and the foregoing amendments and remarks, Applicant believes this application is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any issue requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicant does not believe that any fee is due in connection with this submission. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

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Respectfully submitted,  
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